IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8435 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE D.H.WAGHELA Sd/-

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

1 to 5 No

GUJARAT STATE ROAD TRANSPORT CORPORATION

Versus

MAHESHKUMAR INDULAL BHATT

Appearance:

MR HARDIK C RAWAL for Petitioner

RULE SERVED for Respondent No. 1

CORAM : MR.JUSTICE D.H.WAGHELA

Date of decision: 28/09/2000

ORAL JUDGEMENT

1. The petitioner challenges the award of the Labour Court, Jamnagar in Reference (LCJ) No.99 of 1997 whereby the respondent is ordered to be reinstated with 25% backwages with the order to punish him with stoppage of

three increments with permanent effect.

2. None appears for the respondent though served. Going through the impugned award, it appears that the respondent was charged with the misconduct of not issuing tickets as a conductor on duty. It is, however, not alleged that he had collected fare. The Labour Court has, after appreciating the evidence and considering the gravity of the misconduct as also the past record of the respondent, interfered with the punishment of dismissal. It has also taken into account the fact that the respondent never entered the box to depose that he was fully unemployed during the pendency of the Reference. Thus, in view of the overall facts and circumstances, the impugned award of reinstatement with punishment is made.

3. The impugned award appears to be just and proper and no ground is made out to interfere with the same in exercise of the powers under Article 227 of the Constitution. The petition is, therefore, rejected. Rule is discharged with no order as to costs. Interim relief stands vacated.

Sd/-

(D.H.Waghela, J.)

KMG Thilake

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